

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)****Title of Invention**      EEPROM EMULATION IN FLASH MEMORY

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/658,124, filed on September 9, 2003,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one:      Venkatapathi R. Nallapa

Citizen of:      US

Signature:      Venkatapathi R. NallapaDate:      10/23/03

Inventor two:      \_\_\_\_\_

Citizen of:      \_\_\_\_\_

Signature:      \_\_\_\_\_

Date:      \_\_\_\_\_

Inventor three:      \_\_\_\_\_

Citizen of:      \_\_\_\_\_

Signature:      \_\_\_\_\_

Date:      \_\_\_\_\_

Inventor four:      \_\_\_\_\_

Citizen of:      \_\_\_\_\_

Signature:      \_\_\_\_\_

Date:      \_\_\_\_\_

☐ Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: P.O. Box 1450, Alexandria, VA 22313-1450.

## ASSIGNMENT

WHEREAS, I, Venkatapathi R. Nallapa (hereinafter referred to as ASSIGNOR), having a mailing address of 7006 Carlyle Crossing, West Bloomfield, Michigan 48322, am the sole inventor of an invention entitled "EEPROM EMULATION IN FLASH MEMORY," as described and claimed in the specification for which an application for United States letters patent was filed on September 9, 2003, and assigned Application No. 10/658,124;

WHEREAS, Ballard Power Systems Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Delaware having a place of business at 15001 Commerce Drive North, Dearborn, Michigan 48120, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters

patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

10/23/03  
Date

Venkatapathi R. Nallapa  
Venkatapathi R. Nallapa

State of Michigan )  
County of Wayne )

ss.

I certify that I know or have satisfactory evidence that Venkatapathi R. Nallapa is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated October 23, 2003  
Signature of Notary Public [Signature]  
Printed Name Artricia Garrison  
My appointment expires 1/23/06

ARTRICIA GARRISON  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES Jan 23, 2006

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(130209.511)

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: V nkatapathi R. NallapaApplication No./Patent No.: 10/658,124 Filed/Issue Date: September 9, 2003Entitled: EEPROM EMULATION IN FLASH MEMORYBallard Power Systems Corporation, a

(Name of Assignee)

corporation(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records  
of the USPTO. See MPEP 302.8]

The undersigned (whose titles are supplied below) are authorized to act on behalf of the assignee.

10/24/03  
DateFred Flett

Typed or printed name

Fred Flett  
SignatureVice-President, Product Development

Title

October 28, 2003  
DateNoordin S.K. Nanji

Typed or printed name

Noordin S.K. Nanji  
SignatureCorporate Secretary

Title